

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 26 2021

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

No. 20-10140

Plaintiff-Appellee,

D.C. No. 3:14-cr-00069-MMD-
WGC-1

v.

JOHN THOMAS ABRAMS, AKA David
Blackwell, AKA Buck, AKA David George
Garnett, AKA John McDonald, AKA John
Gordon Walker,

MEMORANDUM*

Defendant-Appellant.

Appeal from the United States District Court
for the District of Nevada
Miranda M. Du, District Judge, Presiding

Submitted May 18, 2021**

Before: CANBY, FRIEDLAND, and VANDYKE, Circuit Judges.

John Thomas Abrams appeals pro se from the district court's order denying his motion for a new trial on his convictions for kidnapping, in violation of 18 U.S.C. §§ 1201(a)(1) and (g)(1), and transportation of a minor for illegal sexual

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

activity, in violation of 18 U.S.C. § 2423(a). We have jurisdiction under 28 U.S.C. § 1291. We review for abuse of discretion, *see United States v. Hinkson*, 585 F.3d 1247, 1259 (9th Cir. 2009) (en banc), and we affirm.

Abrams contends that the prison confiscated CDs and thumb drives, and when they were returned to him a year after the trial, he discovered they contained evidence that would have discredited government witnesses. Even if, as Abrams contends, the evidence was newly discovered, he did not make the necessary showing that “the evidence [was] neither cumulative nor merely impeaching.” *United States v. Harrington*, 410 F.3d 598, 601 (9th Cir. 2005) (internal quotation marks omitted).

AFFIRMED.